

Intellectual Freedom Manual for Arizona Libraries

Arizona Library Association
Intellectual Freedom Committee
Revised November 2010

INTRODUCTION

“A parent just asked me to remove the Harry Potter books and Scary Stories to Tell in the Dark by Alvin Schwartz. What do I do now?”

“I don’t think minors should be allowed to check out issues of GQ. Why don’t you have an adults-only section?”

“Some members of our community are challenging The Advocate. How do we defend the library’s right to keep the magazine in the collection?”

These quotes are based on real complaints received in Arizona libraries. Would you know what to do if faced with one of these questions?

When the free exchange of ideas is confronted by censorship, it is imperative that the challenge be met and verbally rebuffed. Moreover, when this issue involves libraries, librarians then become responsible for defending the principle of intellectual freedom, seldom an easy task. Occasionally we may even find ourselves forced to defend an item we personally find distasteful. Our personal tastes, however, as well as those of the individual or group lodging the complaint, must be subordinated to the library’s mission of remaining a primary source for the numerous modes of human literary/artistic expression.

This handbook has been created for the purpose of providing guidance to the librarians of Arizona in censorship cases. The Intellectual Freedom Committee suggests that you use it as your first source of information if and when the need arises. We have designed the manual to answer as many of your questions as possible and, for those left unanswered, we have provided a list of contacts for further assistance. It is our fervent hope that you will never need to refer to this handbook, but should your library be threatened by censorship, we think you will find it valuable. We also suggest using any existing policy as promulgated by local school boards or library boards parallel to your use of this manual. Let us count on each other for support as we work to keep Arizona libraries the cornerstones of intellectual freedom and exchange.

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PREPARING FOR THE CENSOR

Intellectual freedom may be challenged at any time. Quick, effective action is crucial in meeting censorship challenges. The best defense against the censor is careful and thorough planning prior to an attack. Steps in planning should include the following:

1. Prepare and maintain a current set of policies and procedures. This should include collection development, meeting room use, an acceptable use policy, and procedures for handling complaints. These policies should be in written form, approved by the appropriate governing authority, and readily available to staff and patrons. Avoid jargon.
2. Develop a simple form for handling complaints. It should be readily available to anyone who objects to contents of materials in the library. Many libraries will have preprinted the policies and procedures for distribution and will have attached the complaint form to them.
3. Conduct periodic workshops. Collection development policies and procedures for handling complaints should be part of the orientation program for all new employees.
4. Open and maintain lines of communication with civic, religious, educational and political groups in the community, as well as the local press. Know who to contact for support in the community should a censorship problem occur. Know how to reach organizations that support intellectual freedom objectives.
5. Maintain a vigorous public relations program on behalf of intellectual freedom. Public relations are an ongoing part of the management function. A good public relations program is imperative for the continued growth of library services. It also keeps the community aware of the library's responsibilities for intellectual freedom. Libraries should allocate personnel time and budgetary support to maintain an ongoing public relations effort.
6. Be aware of any municipal or state legislation pertaining to intellectual freedom and First Amendment rights.
7. Every city, town, and school district has an attorney. Do not hesitate to contact them for assistance.

WHAT TO DO WHEN THE CENSOR COMES

When individuals or pressure groups attempt to limit freedom of expression by trying to have materials removed from a library on the basis of obscenity, blasphemy, political content, etc., the AzLA Intellectual Freedom Committee recommends following these procedures:

1. Listen carefully to the patron in a calm and courteous manner. Let them finish talking. Let them know that you are glad to consider their request and make the forms available to them. Do not get into an adversarial situation.
2. Inform the library's governing authority about all the facts regarding the complaint.
3. **REPORT THE INCIDENT TO THE AzLA INTELLECTUAL FREEDOM COMMITTEE. THE INTELLECTUAL FREEDOM COMMITTEE WILL HELP ANSWER ANY QUESTIONS AND PROVIDE ASSISTANCE AND MORAL SUPPORT.** Contact information is at <http://azla.org/> in the Divisions, Interest Groups & Committees tab.
4. Depending upon the nature and urgency of the incident, contact the American Library Association's Office for Intellectual Freedom or other appropriate organizations (see page 10).
5. Once the materials or issues have been reviewed, communicate the results of the process to the patron in writing, explaining the procedure and the final decision.
6. If the incident becomes a public issue, contact the local media to ensure that both sides of the issue are reported. It is at this point that the AzLA Intellectual Freedom Committee and similar organizations can be the most helpful, suggesting methods of meeting the censor's attack and furnishing knowledgeable public testimony. You may want to consider a public meeting but be aware of the ability of organized groups to pack such meetings.
7. If the case warrants, seek legal advice through the library's governing authority and legal counsel.
8. Challenged materials should remain on the shelf during the reconsideration process.

CONFIDENTIALITY OF LIBRARY RECORDS

If the issue involves confidentiality of library records, cite Arizona Revised Statutes (ARS Sect. 41-1354), which states:

- A. Except as provided in subsection B, a library or library system supported by public monies shall not allow disclosure of any record or other information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.
- B. Records may be disclosed:
 - a. If necessary for the reasonable operation of the library
 - b. On written consent of the user
 - c. On receipt of a court order [*]
 - d. If required by law
- C. Any person who knowingly discloses any records or other information in violation of this section is guilty of a Class 3 misdemeanor.

*Any subpoena or court order should be examined by the library's legal counsel. Do not be intimidated into complying with a court order or subpoena until legal counsel has been consulted.

COLLECTION DEVELOPMENT POLICY: AN OUTLINE

The Arizona Library Association's Intellectual Freedom Committee believes that every library, in order to strengthen its collection development process and to provide an objective basis for evaluation of that process, should develop a written official Collection Development Policy based on the needs of the library's users and in conformity with the **Library Bill of Rights** and that the policy be approved by the library's governing authority. A written collection development policy is a working document; it should be reviewed and, if necessary, revised annually.

A Collection Development Policy should cover these points:

1. Library philosophy and objectives, including a statement of the role of the library in its community.
2. General selection principles and procedures, including designation of those responsible for collection development, the procedures used to select the materials, and the criteria used in the selection process.
3. Policies and procedures to deal with distinctive types of material, materials for particular groups (e.g. children, visually impaired, etc.) and special collections (e.g., local history).
4. Policies and procedures for gift materials, including requests for appraisals and disposal of unwanted donations.
5. Library policies and procedures concerning weeding and inventories.
6. The text of the **Library Bill of Rights**
<http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm>

Many collection development policies also include the **Freedom to Read** statement:

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/ftstatement/freedomreadstatement.cfm>

This document is issued jointly by the American Library Association and the Association of American Publishers. The statement is included in the ALA Intellectual Freedom Manual (8th ed., 2010).

7. Procedures for the reconsideration of library materials.

SAMPLE
REQUEST FOR RECONSIDERATION OF LIBRARY RESOURCES

Attach a separate sheet if needed for additional information

The library values your opinion and takes your request seriously. If you would like us to reconsider the presence of any library item in our collection, please complete this form, indicating clearly and specifically the nature of your concern. A librarian will respond to your concern in the near future.

Library materials concerned:

☐ Book

☐ Magazine

☐ Newspaper

☐ Library Program

☐ Audiovisual Materials

☐ Library Exhibit

☐ Library Selected Internet Site

☐ Other

Title: _____

Author/Editor/Artist/Composer/Speaker/Site: _____

What brought this title to your attention?

Please comment on the work as a whole, perhaps stating what you believe to be the theme of the work, being specific about your concerns or objections. Cite specific pages, chapters, frames, lyrics or stanzas, display item(s), meeting room use, etc.

Have you read the Library's collection development policy? _____

SAMPLE
REQUEST FOR RECONSIDERATION OF LIBRARY RESOURCES
(cont.)

What would you like the Library to do about this item?

_____ To consider my opinion; no other action necessary.

_____ Formally review the material.

Your Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ (work) _____ (home)

Email _____

Optional: You represent: Self _____

Group (name) _____

Signature

Date

AzLA INTELLECTUAL FREEDOM COMMITTEE

The purpose of the Intellectual Freedom Committee of the Arizona Library Association is to promote and encourage free access to library materials and information to the citizens of Arizona. The IFC assists all librarians in the State in dealing with intellectual freedom challenges.

The Chair of the IFC is appointed by the AzLA President for a two-year term of office beginning in even numbered years. Committee members are appointed by the AzLA Division Presidents in order to provide representation from public, school, university, and special libraries. Committee members serve one two-year staggered term. A member representing the Arizona State Library is appointed by the Director of the Arizona State Library, Archives and Public Records. A Member-At-Large from the AzLA Executive Board is assigned to the IFC by the AzLA President. Additional members may be appointed as needed by the Chair. To provide continuity, the Chair remains on the Committee an additional year after serving the appointed term. The Chair also serves on the AzLA Legislation Committee.

The duties of the Intellectual Freedom Committee are:

1. To investigate cases of censorship involving libraries in the state and to provide assistance when requested.
2. To inform AzLA members through publications and programs about intellectual freedom issues, legislation, and censorship incidents.
3. To develop and maintain an Intellectual Freedom Manual for Arizona Libraries.
4. To promote the adoption of materials selection policies and procedures for handling censorship challenges in all libraries in the state.
5. To monitor legislation and administrative policies which affect intellectual freedom concerns in libraries and work actively to counter such efforts.
6. To maintain contact with the Office for Intellectual Freedom of the American Library Association and network with other organizations, locally and nationally, concerned with intellectual freedom issues.

The IFC procedures for handling censorship incidents are:

1. Arizona librarians are urged to report censorship incidents to the Committee. All information will be kept confidential, if requested. Reports may be made using the Incident Report Form provided in the IF Manual, or by telephone, email, or fax, to the current Committee Chair or to the AzLA office. Librarians are encouraged to report censorship attempts, even if no assistance is requested, in order to assist the IFC in monitoring challenges occurring throughout the state. Generally, cases involve a complaint about materials or a request to have materials restricted or removed from a collection but may involve other concerns such as meeting room use or exhibits.

2. If assistance is requested, the Committee Chair coordinates the resources provided. In addition to advice on how to handle the incident, the IFC can provide book reviews, issue letters of support and position statements from the Committee and AzLA, attend or testify at hearings and open meetings on behalf of individuals and libraries, and publicize the incident or respond to media. Assistance from national and other state organizations concerned with intellectual freedom and civil liberties may be sought.
3. Legal or monetary assistance is not available from AzLA or the IFC. The Freedom to Read Foundation does provide legal assistance occasionally with limited funds at its disposal.

Contact information for the Intellectual Freedom Committee Chair is at <http://azla.org> in the Divisions, Interest Groups & Committees tab.

**AzLA INTELLECTUAL FREEDOM COMMITTEE
INCIDENT REPORT FORM**

LIBRARY _____

Address _____

City/County _____ Zip _____

Phone _____ Fax _____

LIBRARIAN SUBMITTING FORM

Name _____

Phone (work) _____ (home) _____ Email _____

CHALLENGE	<input type="checkbox"/> Book	<input type="checkbox"/> Audiovisual Materials
	<input type="checkbox"/> Magazine	<input type="checkbox"/> Library Exhibit
	<input type="checkbox"/> Newspaper	<input type="checkbox"/> Library Selected Internet Site
	<input type="checkbox"/> Library Program	<input type="checkbox"/> Other

Title _____

Author/Producer _____

Publisher _____ Date _____

COMPLAINANT

(attach a copy of the request for reconsideration of library resources form, if possible)

Is this an identifiable organization?

DO YOU WISH ASSISTANCE FROM THE IFC? Yes _____ No _____

ADDITIONAL COMMENTS:

If reported in the media, please attach copies of news articles.

FOR ASSISTANCE WITH AN INTELLECTUAL FREEDOM ISSUE

Contact:

Intellectual Freedom Committee

Arizona Library Association

<http://azla.org> in the Divisions, Interest Groups & Committees tab

Arizona State Library, Archives & Public Records

Library Development Division

1101 W. Washington Street

Phoenix, AZ 85007

Phone: 602-926-3604 | Fax: 602-256-7995 | Toll Free 1-800-255-5841

Office for Intellectual Freedom

American Library Association

50 E. Huron Street

Chicago, Illinois 60611

Phone: 1-800-545-2433 Ext. 4223

Fax: 1-312-280-4227

Email: oif@ala.org

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

The **Library Bill of Rights** is reprinted here with the permission of the American Library Association.

Interpretations of the **Library Bill of Rights** can be found at <http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/default.cfm>.

These interpretations are very helpful and should be studied when you are drafting and revising your policies and if/when you receive a challenge.